

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

REGINALD C. PERRY, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
v.                     ) Case No. CIV-12-71-D  
                        )  
                        )  
CAROLYN W. COLVIN, Acting )  
Commissioner, Social Security Administration, )  
                        )  
                        )  
Defendant.           )

**ORDER**

Before the Court is the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 32], filed by Plaintiff's attorneys. The Acting Commissioner has filed a timely response to the Motion, but takes no position concerning the attorneys' request for approval of a fee award in the amount of \$10,259.92. The Acting Commissioner instead urges the Court to undertake an independent review and to determine the reasonableness of the request as required by *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), and *McGraw v. Barnhart*, 450 F.3d 493 (10th Cir. 2006).

Upon consideration of the Motion in light of the record and controlling law, the Court finds that Plaintiff's attorneys should recover a reasonable fee for their representation of Plaintiff in this case, provided the award is within the statutory limit and the attorneys refund to Plaintiff any amount previously received under the Equal Access to Justice Act (EAJA). *See Order Awarding Attorney Fees* [Doc. No. 29]. The Motion, supporting documents, and case record reveal a total of 33.3 hours of legal work devoted to the case by the attorneys and paralegals assigned to the case, which resulted in a favorable decision and a substantial award of benefits to Plaintiff. After remand, Plaintiff was determined to be entitled to disability benefits and received a past-due award in the amount of \$41,039.70. Plaintiff contractually agreed to a contingent-fee payment of 25% of all past-due

benefits. The filing attorney represents in the Motion, and the Acting Commissioner does not dispute, that no payment was received from Plaintiff's EAJA award because the award was diverted to satisfy his child support obligations. Finally, the Motion was filed within the time period previously determined by the Court to be reasonable. *See Order of August 13, 2014 [Doc. No. 31].*

Under the circumstances presented, the Court finds that the requested amount of \$10,259.92 represents a reasonable fee for the work done by Plaintiff's attorneys in view of the nature of the representation and the results achieved, and that this amount does not exceed 25% of Plaintiff's award of past-due benefits obtained by reason of the Judgment entered March 11, 2013. The Court therefore finds that the Motion of Plaintiff's attorneys should be granted.

IT IS THEREFORE ORDERED that the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 32] is GRANTED. The Court approves an award of attorney fees under 42 U.S.C. § 406(b) to the signatory to Plaintiff's fee agreement, Steve A. Troutman of Troutman & Troutman, P.C., in the amount of \$10, 259.92.

IT IS SO ORDERED on this 29<sup>th</sup> day of August, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE